

1 CABINET FOR HEALTH AND FAMILY SERVICES

2 Department for Medicaid Services

3 Commissioner's Office

4 (Repealer)

5 907 KAR 3:111. Repeal of 907 KAR 3:110.

6 RELATES TO: 42 U.S.C. 1396a

7 STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3), 13A.310(a)

8 NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family  
9 Services, Department for Medicaid Services has responsibility to administer the Kentucky  
10 Medicaid Program. KRS 205.520(3) authorizes the cabinet, by administrative regulation,  
11 to comply with any requirement that may be imposed, or opportunity presented, by  
12 federal law to qualify for federal Medicaid funds. This administrative regulation, in  
13 accordance with KRS 13A.310(3)(a), repeals 907 KAR 3:110. 907 KAR 1:110 is being  
14 repealed because the scope of services addressed in it are now addressed in other  
15 administrative regulations.

16 Section 1. 907 KAR 3:110, Community mental health center substance abuse services  
17 is hereby repealed.

907 KAR 3:111

REVIEWED:

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Date

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Lawrence Kissner, Commissioner  
Department for Medicaid Services

APPROVED:

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Date

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Audrey Tayse Haynes, Secretary  
Cabinet for Health and Family Services

907 KAR 3:111

## PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall, if requested, be held on July 21, 2014 at 9:00 a.m. in the Health Services Auditorium, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky, 40621. Individuals interested in attending this hearing shall notify this agency in writing by July 14, 2014 five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. You may submit written comments regarding this proposed administrative regulation until July 31, 2014. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Tricia Orme, [tricia.orme@ky.gov](mailto:tricia.orme@ky.gov), Office of Legal Services, 275 East Main Street 5 W-B, Frankfort, KY 40601, Phone: (502) 564-7905, Fax: (502) 564-7573.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation Number: 907 KAR 3:111  
Cabinet for Health and Family Services  
Department for Medicaid Services  
Agency Contact Person: Stuart Owen (502) 564-4321

- (1) Provide a brief summary of:
  - (a) What this administrative regulation does: This administrative regulation, in accordance with KRS 13A.310(3)(a), repeals 907 KAR 3:110, Community mental health center substance use services. 907 KAR 3:110 establishes provisions regarding substance use treatment (provided by community mental health centers or CMHCs) for pregnant women.
  - (b) The necessity of this administrative regulation: It is necessary to repeal 907 KAR 3:110, as provisions regarding substance use disorder services are now established in administrative regulations other than 907 KAR 3:110.
  - (c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by eliminating an unnecessary/duplicative administrative regulation.
  - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation conforms to the content of the authorizing statutes by eliminating by eliminating an unnecessary/duplicative administrative regulation.
- (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
  - (a) How the amendment will change this existing administrative regulation: This is not an amendment to an existing administrative regulation.
  - (b) The necessity of the amendment to this administrative regulation: This is not an amendment to an existing administrative regulation.
  - (c) How the amendment conforms to the content of the authorizing statutes: This is not an amendment to an existing administrative regulation.
  - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This is not an amendment to an existing administrative regulation.
- (3) List the type and number of individuals, businesses, organizations, or state and local government affected by this administrative regulation: This repealer administrative regulation affects community mental health centers in that it eliminates an unnecessary/duplicative administrative regulation regarding community mental health center services.
- (4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

- (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment. No action is required of regulated entities or individuals.
  - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3). No cost is imposed on regulated entities or individuals.
  - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3). Community mental health centers will benefit from the clarity of eliminating an unnecessary/duplicative administrative regulation.
- (5) Provide an estimate of how much it will cost to implement this administrative regulation:
- (a) Initially: The administrative regulation imposes no cost on the Department for Medicaid Services.
  - (b) On a continuing basis: The administrative regulation imposes no cost on the Department for Medicaid Services.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding is necessary to implement the administrative regulation.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fee nor funding increase is necessary to implement the administrative regulation.
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The administrative regulation neither establishes nor increases any fee.
- (9) Tiering: Is tiering applied? Tiering is not applied as this is a repealer administrative regulation.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Administrative Regulation Number: 907 KAR 3:111

Agency Contact Person: Stuart Owen (502) 564-4321

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department for Medicaid Services will be affected by this administrative regulation.
2. Identify each state or federal regulation that requires or authorizes the action taken by the administrative regulation. Not applicable, this administrative regulation is being repealed. This administrative regulation authorizes the action taken by this administrative regulation.
3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.
  - (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will generate no revenue for state or local government.
  - (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will generate no revenue for state or local government.
  - (c) How much will it cost to administer this program for the first year? This administrative regulation imposes no administrative cost on the Department for Medicaid Services.
  - (d) How much will it cost to administer this program for subsequent years? This administrative regulation imposes no administrative cost on the Department for Medicaid Services.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): \_\_\_\_\_

Expenditures (+/-): \_\_\_\_\_

Other Explanation: